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HOUSE OF LORDS.

MONDAY, FEBRUARY 12.

THE Earl of Ripon moved the thanks of the House to Sir C. Napier and the officers and privates serving under his command, for their services during the recent war in Sicinde.

Lord Auckland seconded the motion. The Duke of Wellington eulogised most warmly the conduct of Sir C. Napier, and said that, after the fullest consideration, he would truly declare that he never knew an instance in which a general officer had proved himself more fully to possess all the qualifications necessary for the conduct of great military operations.

The vote of thanks was agreed to *nem. con.*

The Earl of Clarendon drew the attention of the House to the state of affairs in Spain. He wished, in the first place, to know on what basis the good understanding of France and England rested, fearing that it only meant that one country had taken its course, and, finding it successful, now sought for the concurrence of the other. It was also said that the Queen of Spain was to be restricted to the Bourbon family in her choice of a husband, and that with this intention the Count Trepani was proposed to her. He wished to ask whether any such arrangement as this was recognised by the British Government; and whether this good understanding was only come to when everything good in Spain was marred, and when everything of evil had been accomplished?

The Earl of Aberdeen said, the cordial understanding alluded to between France and England did not confine itself to the affairs of Spain: it had, in fact, no particular reference to that country, the only understanding upon that head being a wish to preserve inviolable the independence of Spain, to check violence and reaction, and to develop its resources to the utmost. With respect to the marriage of the Queen, he looked upon that as being completely and exclusively a Spanish question, for the consideration of the Spanish Government and people.

The Earl of Clarendon said the answers of his noble friend were perfectly satisfactory.

Their Lordships then adjourned.

TUESDAY.

The Marquis of Normandy, pursuant to notice, drew the attention of their Lordships to the present condition of Ireland, which he confessed he viewed with considerable alarm. The noble lord entered at great length into the various occurrences which have recently taken place in that country. The late Government were said, in their endeavour to remedy Irish grievances, to be supported by an Irish majority; and in those exertions they had been always thwarted by the present Government when in opposition; and, consistently enough, the present Government, now that they were in power, made no efforts of their own to do that which they had prevented their predecessors from accomplishing. Those, however, who said the late Government were supported by an Irish majority, should have been repeaters if they were honest men, for draw a such a distinction was the death-blow to the union. The noble lord, advising to the Government, said that there was not an Irishman on the Ministerial benches; and, in fact, he never recollected a Government which possessed amongst its members so little knowledge of Ireland. The noble Marquis concluded by moving—"That this House, having, in answer to her Majesty's most gracious speech, assured her Majesty that they entered into her Majesty's feelings in forbearing from observation or comments on Ireland, in respect to which proceedings are pending before the proper legal tribunals, feel it, in consequence, to be their duty to take the earliest opportunity, when no prejudice can arise therefrom in the minds of the jury, to record their intention to examine into the causes of the discontents now unhappily so prevalent in that country. That with a view to the removal of existing evils, and the restoration of confidence, this House look to the full development of the only principles of a perfect union, by securing to her Majesty's subjects, of all classes and persuasions in all parts of the United Kingdom, the practical enjoyment of equal rights."

Lord Wharfedale thanked the noble Marquis for bringing this question forward, and thus giving him an opportunity of defending the Government for the course it had pursued with respect to Ireland. He would, in the first instance, observe that he never entertained the opinion that the meetings, which he looked upon to be very dangerous, would wear themselves out. He knew them to be illegal; but the question was to prove them to be so, and the Government was obliged to wait an opportunity until at length they were enabled to establish that which universal England declared to be an illegal conspiracy. While Government refrained from taking active steps, matters were getting worse and worse, until the meeting of Clontarf, which he had no hesitation in saying was held with the view of intimidating the people of Dublin. The first step was then taken by the Government, and in such a manner and with such a force—as irresistible—that there was a certainty that the meeting could be prevented without bloodshed. The trial, he asserted, had been conducted with as much fairness as ever any trial had been conducted, and the jury had done its duty. All these matters being now over, he agreed with the noble Marquis that it was their duty to look forward, and in doing so he must say that he did not think an inquiry in that House the proper course of proceeding. The government had appointed a commission, the chief object of which would be, without at all giving anything like fixity of tenure or fixing the value of land, to give protection to the tenant in several respects, such as he already enjoyed in England. The registration would also be amended, and the question of beneficial interests explained, so as to leave no longer any doubt upon the subject. National education should also be attended to, and an additional grant would be proposed for that purpose. There would also be a measure to do away with the difficulties of making over property in trust to supply the Catholic clergy with houses and glebes. The noble Marquis spoke of putting the clergy of the Catholic Church, and that of the

Protestant Church upon an exact footing of equality. He did not know how this could be accomplished, for they could take no step calculated to endanger the Protestant Church of Ireland.

The Marquis of Clanricarde said, that the noble lord had given no explanation of the fact that the present Government found Ireland tranquil, and yet were now only able to hold it by military occupation.

The Earl of Roden attributed the present state of Ireland to the course pursued by the Marquis of Normandy while Lord Lieutenant in Ireland.

The Earl of Devon explained the nature of the commission for inquiring into the relations between landlord and tenant in Ireland, and said that in March it would again proceed with its inquiries in that country; but it was not wholly inactive in London at the present moment.

The Marquis of Westmeath approved of the course pursued by the Government.

Lord Howden regretted that his noble friend should have thought it expedient to bring this question before the House, for he thought it ill-timed, and therefore mischievous, as its effect, though not its object, would be to embarrass the Government.

Lord Beaumont expressed his satisfaction at the declaration of Lord Wharfedale, that the time had now arrived when remedial measures would be adopted towards Ireland.

Lord Campbell then moved the adjournment of the debate until Thursday, which, after a short conversation between Lord Brougham, the Duke of Wellington, and the Marquis of Normandy, was agreed to, and their Lordships forthwith adjourned.

THURSDAY.

The adjourned debate on the Marquis of Normandy's motion on the state of Ireland was resumed by Earl Fortescue, who defended his appointments of stipendiary magistrates while he was Lord Lieutenant of Ireland, and expressed his satisfaction at hearing that it was the intention of the Government to increase the grant for the purposes of education, and to extend the franchise in that country.

The Earl of Haddington denied that the people of Ireland had any ground to complain of not having equal rights with the people of England, and could not allow that the appointment of two or three respectable gentlemen as judges could be fairly said to be a grievance, merely because those gentlemen might have made speeches in Parliament or elsewhere distasteful to the majority of the people, or that such appointments could be held as an infringement of the equal rights of the Irish people as British subjects. The Government was taunted for not having put a stop to the meetings in Ireland at an earlier period; in answer to which he would remind their Lordships that the jury had returned a verdict of guilty of conspiracy, but had returned a verdict of not guilty upon the part of the same count. If, therefore, the Government had prosecuted the parties who attended the first meeting, the prosecution would have failed, and they would have been in that case compelled to come to Parliament for additional powers.

Lord Montague was anxious to state his high sense of the conciliatory spirit which pervaded the speeches of the Earl of Haddington and Lord Wharfedale; but this very conciliatory spirit induced him to inquire whether there was not something in the background, when, notwithstanding these conciliatory declarations, they found Ireland, which was peaceful and tranquil under the Government of Lord Melbourne, in its present condition, under the rule of those who professed such a conciliatory spirit.

The Earl of Ripon said, it was gratifying to find it upon all hands admitted that the measures proposed by the Government for the improvement of Ireland were sound, and calculated to be beneficial.

A long pause took place when the Earl of Ripon resumed his seat, the Lord Chancellor having retired some time previously. At length the Earl of Shaftesbury took his seat on the woolsack, and proceeded to put the question, upon which

The Marquis of Normandy rose to reply, and an indecent altercation ensued, which we gladly pass over.

Their Lordships divided, and the motion of the Marquis of Normandy was defeated by a majority of 175 to 78.

HOUSE OF COMMONS.

SATURDAY, FEBRUARY 10.

THE Commons not having made a house on Friday, were obliged to meet on Saturday, the customary adjournment to Monday not having taken place.

Lord Stanley, in reply to a question from Sir G. Staunton, stated that the British Government were endeavouring to induce the Government of China to legalise the trade in opium; but, in the mean time, every discouragement would be given to the smuggling trade between Hongkong and China. Of course there would be no prohibition against the introduction of opium into Hongkong, but care would be taken that the island should not be made a great nest of smugglers.

Sir J. Graham introduced the new Poor Law Bill.

Sir J. Graham also introduced a bill for the more speedy trial of persons charged with offences on the high seas. These offences had at present to be tried before the Central Criminal Court, which occasioned great delay. He proposed to give the judges of assize the power of trying such cases.

MONDAY.

The Factories Bill was read a second time without eliciting any remark from either side. The committee was fixed for Friday next.

Sir R. Peel moved the thanks of the House to Major-General Sir C. Napier, and the army under his command, for their recent services on the Indus.

Lord J. Russell seconded the motion.

Lord Howick criticised it.

Mr. V. Smith agreed with the greater part of what had fallen from Lord Howick. Sir H. Hardinge said that the speech of Mr. V. Smith was an answer to the principal point in Lord Howick's speech. The courage of Sir Charles Napier in determining to attack the Belooches, contrary to Major Outram's advice, was, in his (Sir H. Hardinge's) opinion, the

brighest feature in the gallant officer's conduct.

Mr. Mangles could not give his consent to the proposed vote.

Sir H. Douglas was sorry for the remarks made on the opposite side of the House, which would deprive the vote of thanks of much of its value.

Mr. Hawes said he agreed with the opinions put forth by Lord Howick.

Sir C. Napier thanked Sir R. Peel for the eloquent manner in which he had brought forward this motion, and for the handsome and unexpected compliment paid to him (Sir C. Napier). The honorable and gallant member then detailed several anecdotes of his distinguished relative connected with the achievements of the Peninsular war, and dwelt on the valuable services of Major-General Napier in the Ionian Islands, and in the northern district. If his political conduct was deserving of blame, let him be blamed; but, at all events, let not the due praise be withheld from his military operations, nor from the brave officers and soldiers under his command. The quaint humour with the honorable and gallant member spoke frequently called forth peals of laughter, while the warmth and feeling displayed by him were often greeted by enthusiastic cheers from both sides of the House.

Mr. S. Crawford met the motion by moving the previous question.

Lord Brotherton seconded the motion. Lord Palmerston intended to give the motion of the right hon. baronet his most cordial support.

On a division the amendment was rejected by a majority of 164 against 9, and the original motion was agreed to.

Mr. Christie moved for a select committee to consider the expediency of recognising the presence of strangers, and the publication of debates.

The Chancellor of the Exchequer had not been able to discover from the speech of the hon. gentleman, what advantage he expected to arise from the proposed change in the standing orders, either to the House or to the public.

Mr. T. Duncombe said that the object of the motion was to do away with an anomaly.

Mr. Williams and Mr. Bowring spoke in support of the motion.

Sir G. Clerk warned the House against a hasty abandonment of its privileges.

A division followed, when the motion was negatived by a majority of 84 against 37.

TUESDAY.

Lord John Russell rose, at five o'clock, to bring on his promised motion on Ireland. It was a notorious fact, he said, that that country was filled with troops, that all the preparations going on there showed an expectation of civil war, and that the country was occupied, but not governed, by those to whom its interests were at present committed. Such was now the condition of Ireland, which, two years ago, was delivered tranquil and undisturbed into the hands of the present Government. The noble lord went on to mention many instances of what he looked upon as unfair treatment to the Catholics of Ireland, and described the Protestants of that country as a political rather than as a religious denomination. His next complaint would refer to the franchise of the people of Ireland. He might be told that the concession of political privileges would not put food into the mouths of the people; but he confessed he was one of those who looked upon the enjoyment of constitutional liberty as one of the best securities for national prosperity. No doubt he was himself, in some measure, responsible for the defects in the Irish Reform Act, but he trusted at the time much to his noble friend Lord Duncombe, as better acquainted with Irish interests than himself. The noble lord went on to reproach Lord Stanley for the Bill brought in by him when in opposition, with a view to a further narrowing of the franchise, and drew the inference from the two years' silence of the noble lord while in office, and still more from the words in the Queen's Speech at the opening of the present session, that the Bill in question had been pressed on Parliament merely from factious motives. He had next to complain of the exclusion of Roman Catholics from office by the present Government. In 1841, Ireland was delivered over to the right hon. gentleman opposite in a state of tranquillity. The accumulated evils of centuries had not been all corrected, but there was an increased confidence in the administration of justice, and the higher price of land manifested an improved prosperity. The appointments then made, particularly that of Lord Eliot, inspired him (Lord John Russell) with some confidence in the new Government, and there was no doubt on his mind that the Irish people would have done better to have remained tranquil till they had been in a situation to exercise an irresistible moral influence on Parliament. The Irish people pursued a different course, and very numerous meetings were held in different parts of the country. To some persons, these meetings appeared dangerous, while others believed the wiser course would be not to interfere with them. Neither course was pursued. The meetings were allowed to go on, but the magistrates who sanctioned them were dismissed. At last a meeting was prohibited within a few hours of the time fixed for holding it, and had it not been for the exertions of those very persons against whom legal proceedings had lately been taken, it was extremely probable that an attempt to prevent that meeting would have been followed by bloodshed. The noble lord went on to censure in strong language the whole conduct of the late trials in Dublin. A conviction had been obtained, and what result was now expected from it? Mr. O'Connell sent to a prison by a jury of Protestants would certainly not lose any of the sympathy of his countrymen. Yet, must there not be a course by which a better feeling might be established between the people of the two countries? Let Ireland, in the first place, have an impartial and not a sectarian administration of justice. Let the franchise be made large and extensive, and equivalent to that of England. The corporate and franchise ought also to be the same as in this country. Let there be no exclusion from office on account of religion. He now came to the question of the ecclesiastical hierarchy. He was no admirer of what was called the voluntary system; but in Ireland, it so happened, the evils

of both systems existed in a high degree. There were clergymen of the Established Church without congregations, while the clergy of the great mass of the people were maintained entirely by the voluntary system. This question, he was aware, was surrounded by many difficulties, and among others there was the Act of Union; but he saw no reason why the Act of Union might not be altered, if the interests of the country demanded it. What he wished was, to see the Established Church, the Roman Catholics, and the Presbyterians in the north of Ireland, placed on a footing of perfect equality. As a commencement to the adoption of such a system, he would recommend that the grant to Maynooth College be at least doubled.

The noble lord proceeded to what was, perhaps, the most difficult question of all, namely, the struggle that constantly took place for the possession of land. A commission had been appointed to inquire into this subject, but it might be doubted whether any further information was really required to show that some landlords, at least, in Ireland were exercising a fearful power. He would not undertake to suggest a complete remedy for so great and long-enduring an evil, but he would at least wish to see an augmentation of the number of stipendiary magistrates. Parliament had still an opportunity—a late one, but not too late a one—to deal by Ireland as had been done by Scotland, and thereby to make the political connexion a popular one. From his own knowledge he could say that it was not the Sovereign now on the throne, than whom there was no one living more anxious to do justice to Ireland (loud cheers). Who, then, would venture to stand between that Sovereign and her people? After occupying the attention of the House for three hours, the noble lord sat down amid the loud cheers of his own friends.

Mr. Wyse seconded the motion for a committee of the whole House, to take into consideration the state of Ireland. Sir J. Graham could not but remember that it was on this unfortunate Irish field that he had first parted with the noble lord, and upon this field he feared they would never meet except as antagonists. To the assertion of the noble lord, that her Majesty was anxious equally to promote the welfare of all her subjects, he (Sir J. G.) was ready to give his fullest concurrence. He (Sir J. G.) did not now come forward to recommend a Coercion Bill, but to vindicate the conduct of a Government that had carefully abstained from the exercise of any but strictly constitutional powers. The noble lord stated that Ireland came into the hands of the present Government in a condition of perfect tranquillity. On turning to the *Pilot*, however, he found as early as July, 1840, there was a repeal meeting at Castlebar. In August, repeal meetings took place at Galway and Tuam. In September, at Skibbereen. In October, at Drogheda, Limerick, and other places; and several large meetings, some attended by as many as 100,000, took place in the succeeding months, and in the early part of 1841. This was immediately before the accession of the present Government to office, and the language used at these meetings by Mr. O'Connell was quite as violent as on any subsequent or previous occasion. In reply to the remarks on the manner in which the late trials had been conducted, the right hon. baronet insisted that the right of the Crown to order a jury to stand by, was one indispensable to the due exercise of justice. Nothing was more opposed to the wish of her Majesty's Government than the exclusion of Roman Catholics from the jury list, and the instructions sent over directed that no Catholic should be struck, except on grounds quite apart from religious considerations. He denied that there was any novelty in the law of conspiracy, and if there were any novelty in the law, it must be borne in mind that we had to do with a new state of things. He had been asked what benefit he expected from the course pursued in Ireland by Government. Already a great benefit had been obtained, in gaining three months of uninterrupted tranquillity, and in seeing trial by jury, preceded over by a unanimous court, triumph over a dangerous combination. It was said that they held Ireland by a military occupation, but he would maintain that Government was in duty bound to take precaution against a party that made military displays, and sought to withdraw, one by one, from the constituted authorities, every one of the attributes of Government. Yet the number of troops stationed in Ireland in 1843 did not exceed the number stationed there in 1841. After expressing a hope that the time would soon come when, treason having been put down, Ireland might cease to be held by a military force, the right honorable baronet entered with some minuteness into the subject of the existing law and practice in Ireland as regarded landlord and tenant. The only measure of improvement suggested by the noble lord was an increase in the number of stipendiary magistrates; and a charge was made against her Majesty's present Government of having reduced the number. The fact, however, was, that the late Government maintained only 59 stipendiary magistrates, whereas the present Government had always maintained 60. It was true that the present Government had not thought it necessary to confirm the appointment of seven additional magistrates, made just before the retirement of the late administration. It was right he should state that it was intended this session to propose a considerable increase in the vote for national education, and to place Roman Catholics in the same position as Protestant Dissenters with respect to charitable institutions. It was also their intention to deal with the franchise. When the Irish Reform Act was passed, no poor-law existed there, and the franchise in boroughs had to be made dependent on the payment of certain local taxes. It was the intention of Government to make the franchise dependent on the payment of the borough rate, borough cess, and the poor-rates, and to do away with the existing law, by which the non-payment of any one of a number of local taxes was enough to disqualify a voter. To the charge of excluding Roman Catholics from office, he could only say, that no government could go among its political opponents for persons to fill high offices of state, and they did not find Catholics qualified to fill such high offices

except among their opponents. With regard to the footing of equality on which the noble lord proposed to place the three religious denominations, he (Sir J. G.) saw a multitude of difficulties opposing themselves to the realisation of such a scheme. He should not himself be opposed on principle to an endowment of the Catholic clergy, but as a practical, political question, he believed the time for it had gone by. The predominance of the Established Church, however, he looked upon as the work of the greatest statesmen of this country, and he did not believe it would be overthrown by any band of conspirators such as they had just succeeded in convicting.

WEDNESDAY.

The adjourned debate on the state of Ireland was resumed by Lord Leveson, who maintained that England was behind the more civilised countries of Europe in a due appreciation of religious liberty, and that the Government would be responsible for it, if Ireland was disunited from the empire.

M. B. Cochrane attributed to the great distress prevailing in Ireland the facility with which the people of that country were excited to discontent and sedition. Let that distress be relieved, and the question of Church and Repeal would soon become of very secondary importance.

Lord Clements read a number of documents, and entered into various statements to show the extent of distress prevailing in Ireland.

Mr. Young said, that the principal difference between the Government and the Opposition was that the latter was willing to do away with the Protestant Establishment, or materially to reduce it. Already that Establishment had been greatly reduced, and he did not believe that it was now at all too large for the numbers that received its ministrations. Passing on to the proceedings of the Repeal Association, the honorable gentleman expressed his regret that the attention of the people should have been withdrawn from the consideration of their real interests, to enter on a course of agitation that had raised class against class, and could only end in the humiliation of Ireland, or in the dismemberment of the empire.

Sir G. Grey said, that upon the importance of the crisis that had now arrived in Irish affairs, all parties in the House must be agreed. The right hon. baronet (Sir J. Graham) told them that a military occupation of country could not be a permanent state of things; if so, the House was entitled to know what were the measures by which the affections of the people were to be won back, and their confidence to be detached from the Repeal Association. With respect to the conduct of the Crown Solicitor in excluding the ten Catholics from the jury list, it was but right to say that that gentleman could not have acted otherwise than he had done. Yet what must be the condition of the country when not a Catholic can be found on the special jury list whose sympathies are not engaged on the side of the traversers prosecuted by the Government? It had been alleged against the Government, that for months they had looked on passively at multitudinous meetings, which they now said could all along been looked on with alarm. Could any one doubt that, when the Clontarf meeting was prohibited at the last moment, an imminent risk was run of disorder, bloodshed, and the outbreak of civil war? He now came to the future policy of the Government. Several valuable measures had been alluded to by the right hon. baronet as in contemplation, but who would say that they were at all adequate to the present crisis? Was not the Church the great grievance of Ireland? And on this subject what hope could the people of Ireland repose on the speech of the right hon. baronet? It was not to be denied that the question was surrounded with difficulties, still it was not one against the Minister of the Crown to close his eyes; and if the attempt were vigorously and honestly made to overcome them, all these difficulties would vanish, as those had done by which Catholic emancipation was so long impeded.

Lord Eliot argued that the state of Ireland could not be worse at the present moment than at the time when a Coercion Bill was called for by the right honorable gentlemen opposite, then in power. The noble lord went on to defend the conduct of the Government, as connected with the late trials, and the prohibition of the intended meeting at Clontarf. With respect to the great body of the Catholics, he was bound to believe in the declarations often made by them, that they had no wish to interfere with the Established Church. Still there was a party in Ireland that would never be satisfied with less than the total subversion of that Church, and to such a proceeding he felt convinced the House of Commons never would agree. Much had been said of the manner in which the legal patronage of the Government had been exercised, but it must be remembered that, though the majority of the Irish people were Catholics, the majority of the learned profession were Protestants. A proof of this might be seen in the fact, that in the late trial the traversers retained eight Queen's counsel, and of these five were Protestants and Conservatives. In their whole course of administration he should be ready at all times to maintain that the strictest impartiality had been shown.

The debate was then adjourned.

THURSDAY.

The adjourned debate was resumed by Mr. Ross, who gave credit to the Government for the well-meant measures of which notice had been given; but which were entirely inadequate to the wants of Ireland. While the honorable gentleman was speaking, Mr. O'Connell entered. A number of his friends having assembled in the lobby to await his arrival, entered the House in a body. There was a cheer when the Agitator passed the bar.

Mr. Bowring said that he did not believe that Lord J. Russell would dare come down to the House with a measure embodying the changes which he had recommended in his speech.

Sir H. W. Barron went over the topics of Irish grievance.

Mr. Repton declined all differences between Englishmen and Irishmen.

Mr. M. O'Farrell expressed a belief that the Established Church could not be maintained in Ireland except by force.

The honorable member then dwelt for some time on the manner in which the late trials in Dublin had been conducted. They had failed entirely, in consequence of the blunders that had accompanied them, of producing that moral effect which he supposed to have been the real object of the Government.

Mr. Shaw rose to give some explanation respecting the reported omission of sixty names from the jury list. The real fact was that nineteen names were omitted, and five incorrectly placed upon it. The right hon. gentleman then detailed very minutely the manner in which the jury list had been made out, and explained the manner in which the errors had originated. A sheet of paper containing the omitted names was accidentally slipped by the registrar among some blank sheets, and five names were by mistake transferred from the common to the special list. Had any of his (Mr. S.) officers been guilty of a wilful error, he (Mr. S.) would not have hesitated a moment to expose him; but in this case he felt satisfied that the mistake, much as it was to be regretted, was entirely accidental, and therefore he was ready to take the responsibility upon himself.

Lord Howick had no doubt that so long as England continued at peace with foreign nations there was no danger of open resistance in Ireland to the authority of the Government; but foreign Governments were aware that the discontent of Ireland was our real point of weakness, and, if the opportunity presented itself, they would not fail to take advantage of it. He could see no prospect, however, of allaying the discontent of Ireland, so long as the partial treatment of the ancient faith was persevered in. It was not merely the maintenance of a sincere Church that exasperated the Irish people, but they could not forget that it was for the sake of this Church Establishment that the penal laws were so long kept in force, and that all our legislation, even to the present day, had been marked by constant suspicion and distrust. The time for compromise was gone by, and full justice must now be done to Ireland. One way to do this would be to act in Ireland as in England and Scotland, and restore to the Catholic Church the endowments formerly enjoyed by it; a second way would be to apply the revenues of the Church to purposes of education, and leave each persuasion to provide for its own wants; the third way would be, to provide for the spiritual wants of every sect, according to the respective numbers of each. If Ireland was to be governed by ordinance, like a Crown colony, the present system might be maintained, and the country might sink into a state, if not of peace, at least of apathy; but that, thank Heaven, was impossible, and to govern a discontented people with the forms of freedom, was a task beyond the wit of any man that ever lived.

Lord Erskine of "Divide, divide," were raised as soon as Lord Howick sat down, and, no one rising to speak, the gallery was cleared for a division. None took place, however, but a scene of some confusion followed.

Sir Robert Peel, after expressing his astonishment at the sentiments put forward by Lord Howick, said he should feel averse to an unexpected division, and said he should himself be disposed to vote for the adjournment of the debate.

The right honorable baronet's suggestion was adopted.

LICENTIOUSNESS OF THE BAR.

(From the Standard, February 1.)

THE licentiousness in which some counsel allow themselves to indulge in their conduct at the bar, has been long the subject of complaint in England as well as in Ireland. Until within a recent period the general necessity of the qualifications of birth and education to admission to the robe has operated as a check upon such licentiousness. Until very recently, barristers were necessarily gentlemen, and the manners of gentlemen, and the responsibility under which every gentleman is placed to observe good manners, secured the courts of justice from the exhibition of such scenes as they have too frequently presented within the last few years. Every moralist and every religious man will admit that the code of honour, as it is called, is a code false in principle, and too often deplorable in its application; but candour compels the acknowledgment that it is conservative of good manners, and that until some other means of effectually checking insolence and brutality shall be discovered, appeals to it must be regarded with indulgence, though not with approbation. This is eminently the case at the bar, as the bar is now filled by, we readily admit, men of honour and gentlemen in the greatly larger proportion, but still with an unfortunate mixture of persons who have little pretension to be considered such. A barrister has no voice in the election of the counsel to be opposed to him; he may, and he generally will, find the antagonist a gentleman, candid and courteous—and when two such men are opposed, the administration of justice proceeds with the order and decorum which its majesty requires. But a barrister, who, to be a gentleman, must possess a high and delicate sense of his personal honour, may also have an antagonist who, from habits and defect of education, can as little appreciate this elevated and delicate feeling as a blind man can distinguish colours. The gentleman is exposed to the insolence or brutality of such an antagonist; how is he to act? If he submit in silence, he sacrifices not only his own position in society, but the interests of his client; if he retaliate railing for railing, he degrades himself no less, and creates an indecent brawl. What is he to do? We shall not offer any attempt at an answer; but the feelings of gentlemen formed upon too ready suggest his course. These reflections are drawn from us by what occurred in the Irish Court of Queen's Bench, on Tuesday. A Mr. Fitzgibbon, a recent acquisition to the Irish bar from the very humblest pursuits of trade, in his defence of Dr. Gray, thought proper to offer a gross personal insult to the Attorney-General. The Attorney-General, a descendant of one of the oldest, and most distinguished Anglo-Irish families, a man of accomplished mind, and of the nicest sense of honour, unprotected by the Court, which took no pains to restrain Mr. Fitzgibbon's coarseness, submitted to the insult in silence at the moment, but promptly, by a written note, demanded an apology, or the usual alternative.

Mr. Fitzgibbon probably did not understand this, and he made a whimpering complaint to the Court, which of course happily cut the matter short; but the occasion ought not to be suffered to pass without drawing from it the moral, that gentlemen are not to protect themselves from insult in the only way in which it is supposed they can, the Court ought to protect them—a measure of "law reform" almost as necessary as any other.

A LAW IMPOSSIBLE TO OBEY.—Let us not be harsh on anomalies in foreign laws when our own present absurdities are as glaring. Some few months back a disastrous duel suggested to the English people, whose peculiar forte it is to be wise after the event, that duelling is a bad thing, and ought to be abolished. There is a glut of "public opinion" on the subject. Ministers, to do something, are called upon to "do something." They comply. Effectually? Oh, no; the subject is full of "difficulties." They do not pretend to abolish duelling, but they endeavour to "discourage" it; and so Lieutenant Munro has been superseded because he would not take his trial for "murder," and the bereaved widow of the "murdered" Colonel Fawcett has been refused a pension. These are the measures which seem to the wisdom of Ministers feasible and expedient. Let us, to test their merit look at some of the most prominent facts, under this head of duelling that have lately occurred. We pass by the circumstances that there are duellists among the Cabinet Ministers themselves, as the facts are not recent; though it is undeniable that any daredevil who had tact and insolence enough might at pleasure pick out any one of the Ministers and convert him into a duellist. Last autumn Esnig F. Dacre, of the 1st Bombay European Regiment, was tried for "conduct unbecoming the character of an officer and a gentleman," because he had received a blow from Esnig Mackenzie "without having sought that immediate and legitimate redress which as gross an insult required." He was sentenced to be suspended from his rank and pay for six months. Lieutenant Munro, provoked not authentically known, challenged his brother-in-law, Colonel Fawcett, and killed him. Mr. Munro is indicted for murder; and, not daring to risk his neck, he does not appear. He is dismissed the service. Lieutenant Colonel Lyneer Fawcett is challenged; he is killed; his widow's pension is refused. Any private means that Mr. Fawcett may possess must here be put out of the account—her husband is challenged and killed, and Ministers sentence his widow to destitution. Attorney-General Smith is roughly handled by an opposing counsel, whom he challenges in Court. He is warmly defended by Ministers, and his suit extenuated as a perfect venial offence. Perhaps there is a Mrs. Smith. If so, the difference between her and Mrs. Fawcett is this; her husband was not the challenger, but the challenger; she did not lose, but keeps her husband; her pension is not withheld, but his official salary—any, the prospect of promotion to a higher office—is spontaneously and eagerly preserved to him. The difference between the two challengers, Mr. Munro and Mr. Smith, is this: Mr. Munro's antagonist accepted the challenge, and in the natural course of powder and shot was killed; Mr. Munro is charged with murder, and dealt with as an outlaw; Mr. Smith's antagonist declined the challenge; Mr. Smith is rewarded with impunity for his forbearance, and is distinguished with compliments on his gentlemanly feeling. It is to be noted, that the provocation to Colonel Fawcett or Mr. Munro is absolutely unknown in any authentic shape. Mr. Munro may have been the aggressor, or Colonel Fawcett. It is not, therefore, the circumstances that constitute the offence in the eye of the military authorities, for the circumstances are unknown. Be the real provocation imputable to one or other, both are punished. It is the common act, then, which is punished—simply the duel. It appears, then, that if a man abstain from fighting a duel, he is punishable by degradation and mulct. If he challenge, he may be superseded. If he be challenged, his widow may be mulcted. Here is a law that so shifts its ground as to render obedience impracticable, disobedience and punishment inevitable. Is not that cruelty and oppression? It may be said that this is a new regulation under which Mrs. Fawcett suffers. Several lawmakers have lately been caught infringing one of their own laws, because a turn has been given to it which, by the help of their own inattention "surprises" them; and all parties—all parties connected with them by class or private interest—combine to procure a special law for their indemnity. There is no compensation for taking Mrs. Fawcett by surprise. Sir R. Peel says, there are "difficulties" in the way of doing anything effectual. Surely there are the greatest of all difficulties sown by every act of palpable injustice. Legislation may be too mechanical a method of dealing with a subject so evanescent and tangible as factions "Honour." Other means, however, might be taken. A circular of instructions or recommendations might issue from the Horse Guards prescribing what officers should do in "affairs of honour" and statute law might be made, if not to enforce, at least not to contradict the honorary code. By a little ingenuity and breadth of view, the code might be made such as would include all the tribe of "gentlemen." Future acts might be tried by that new law, but past acts should be judged by the old practice. Nay, without any formal document, if the Duke of Wellington, "hard ignominious man," after consulting with his most intimate friends, military and legal, professional and unprofessional, came from his place in Parliament to deliver an exposition of his own mature view as to the principles which should guide officers and gentlemen, and that of itself would be accepted as a valid code. At present all is law; and every bully in the Opera House has the power to inflict inevitable punishment on any gentleman who has the misfortune to bear her Majesty's commission, by forcing him to accept the dangerous triple alternative of challenging, being challenged, or declining.—Spectator.

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